

FWP COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: April 14, 2011

Agenda Item: Tongue River Reservoir Administrative Rule Amendments

Division: Law Enforcement

Action Needed: Final Adoption of Rule

Time Needed on Agenda for this Presentation: **10 minutes**

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Background

Heavily visited Tongue River Reservoir State Park is located six miles north of Decker. Boating, fishing and other water sports are popular on this 12-mile long reservoir. With the high-use levels of motorized water craft on Tongue River Reservoir make water safety a major concern. Currently, all bays on the west side of Tongue River Reservoir are "no wake" speed areas, with the exception of Neck Bay which is no wake from shoreline to 300 feet from shoreline. Due to the geographic design of Neck Bay, at full pool and through the drawdown of the reservoir during irrigation, the 300 foot rule's 'boundaries' change and is often unclear as to where the rule is in effect. Wardens have issued citations for violations of the no wake zone but because of the difficulty to tell the precise location of the zone wardens generally give people warnings for violations. In 2009, a boating accident occurred when two boats collided in the no wake zone. Both boat operators were cited for careless boat operation. It is proposed to include the entire Neck Bay as a no wake speed area. This bay would be buoyed across the geographic entrance. This type of restriction would significantly lessen the confusion that watercraft operators are currently experiencing in attempting to comply with the ever-changing 300-foot-from-shore rule.

Public Involvement Process & Results

The commission approved proposing language for an administrative rule at the January 13, 2011 meeting. Notice was published in the Montana Administrative Register, Fish, Wildlife and Parks' website, and sent to interested persons as required in the Montana Administrative Procedures Act. No public comment was received during the public comment period.

Alternatives and Analysis

- Adopt the rule amendments to ARM 12.11.805 and make Neck Bay a no wake zone consistent with the other bays on the west side of Tongue River Reservoir alleviating the confusion that exists with the changing water levels and the current 300 feet from shore rule.
- Don't adopt the rule amendments to ARM 12.11.805 which would continue the confusion about the no wake speed boundaries in Neck Bay.

Agency Recommendation & Rationale

The department recommends the commission adopt the rule amendments.

Proposed Motion

I move the commission adopt the proposed rule amendments to ARM 12.11.805 requiring all motorized watercraft to travel at "no wake" speed in the entire geographic boundaries on Neck Bay on the west side of Tongue River Reservoir.